



January 25, 2006

HOUSE BILL No. 1220

DIGEST OF HB 1220 (Updated January 24, 2006 10:28 am - DI 96)

Citations Affected: IC 25-4; IC 25-21.5; IC 25-31.

Synopsis: Professional investigation funds. Establishes fees to be assessed against registered: (1) architects and landscape architects; (2) land surveyors and land surveyors in training; and (3) professional engineers and engineering interns; at the time of issuance and renewal of certificates of registration, and requires the fees to be deposited in the investigative funds for the respective professions.

Effective: July 1, 2006.

Reske, Thompson

January 10, 2006, read first time and referred to Committee on Roads and Transportation.
January 24, 2006, amended, reported — Do Pass.

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HB 1220—LS 6883/DI 113+



January 25, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1220

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-4-1-16, AS AMENDED BY P.L.194-2005,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 16. (a) The fee to be paid by an applicant for an
4 examination to determine the applicant's fitness to receive a certificate
5 of registration as a registered architect shall be established by the board
6 under IC 25-1-8-2.
7 (b) The fee to be paid by an applicant for a certificate of registration
8 as a registered architect shall be established by the board under
9 IC 25-1-8-2.
10 (c) The fee to be paid for the restoration of an expired certificate of
11 registration as a registered architect shall be established under
12 IC 25-1-8-7. The restoration fee shall be in addition to all unpaid
13 renewal fees.
14 (d) The fee to be paid upon renewal of a certificate of registration
15 shall be established by the board under IC 25-1-8-2.
16 (e) The fee to be paid by an applicant for a certificate of registration
17 who is an architect registered or licensed under the laws of another

HB 1220—LS 6883/DI 113+



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state or territory of the United States, or of a foreign country or province, shall be established by the board under IC 25-1-8-2.

(f) In addition to the registration fees established under this section, the board shall establish a fee of not more than twenty dollars (\$20) for registered architects and registered landscape architects to be paid at the time of:

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered architects and registered landscape architects investigative fund established by section 32 of this chapter.

SECTION 2. IC 25-4-1-32, AS ADDED BY P.L.194-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The registered architects and registered landscape architects investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. **The fund consists of money from a fee imposed upon registered architects and registered landscape architects under section 16(f) of this chapter.**

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars (\$500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars (\$500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the Indiana professional licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the ~~provision~~ **provisions** of this article.

SECTION 3. IC 25-4-2-8, AS AMENDED BY P.L.194-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board shall set the fees for issuance of

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a certificate of registration to a landscape architect and for the biennial renewal of registration. The fee for registration and for renewal of registration must be based upon the administrative costs of registering and regulating landscape architects. This fee must include the costs for:

(1) office facilities, supplies, and equipment; ~~and~~

(2) clerical assistance; **and**

(3) administering and enforcing this article as set forth in IC 25-4-1-16(f).

(b) Except as provided in IC 25-4-1-32, all fees collected under this chapter shall be paid by the Indiana professional licensing agency to the treasurer of state who shall deposit them in the general fund of the state.

SECTION 4. IC 25-21.5-3-4, AS AMENDED BY P.L.194-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a)** Except as provided in IC 25-21.5-11-4 **and subsection (b)**, the secretary shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state. All expenses incurred in the administration of this article shall be paid from the state general fund.

(b) In addition to a registration fee determined under IC 25-21.5-7-5, the board shall establish a fee of not more than twenty dollars (\$20) for a registered land surveyor and a registered land surveyor in training to be paid at the time of:

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited in the registered land surveyor and registered land surveyor in training investigative fund established by IC 25-21.5-11-4.

SECTION 5. IC 25-21.5-8-6, AS AMENDED BY P.L.194-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **Except as provided in IC 25-21.5-3-4(b)**, the board shall establish fees under IC 25-1-8.

SECTION 6. IC 25-21.5-11-4, AS ADDED BY P.L.194-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The registered land surveyor and registered land surveyor in training investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general

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and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. **The fund consists of money from a fee imposed upon registered land surveyors and registered land surveyors in training under IC 25-21.5-3-4(b).**

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars (\$500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars (\$500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provision of this article.

SECTION 7. IC 25-31-1-9, AS AMENDED BY P.L.194-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Except as provided in IC 25-31-1-35 and **subsection (b)**, the licensing agency shall receive and account for all money collected under the provisions of this chapter and shall deposit the money with the treasurer of state to be deposited by the treasurer of state in the general fund of the state.

(b) In addition to the registration fee established under section 13(c) of this chapter, the board shall establish a fee of not more than twenty dollars (\$20) for registered professional engineers and registered engineering interns to be paid at the time of:

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter.

SECTION 8. IC 25-31-1-15, AS AMENDED BY P.L.194-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed by the board under IC 25-1-8-2 **and the fee established by section 9(b) of this chapter,**

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to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of "professional engineering".

The certificate of registration shall:

- (1) show the full name of the registrant;
- (2) bear a serial number and date; and
- (3) be signed by a designee of the board.

The issuance of any certificate of registration by the board under this chapter is evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered professional engineer from the date on the certificate until it expires or is revoked.

(b) The board shall issue a certificate of enrollment upon the payment of the certificate fee prescribed by the board under IC 25-1-8-2 to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter. In the case of an engineering intern, the certificate shall state that the applicant has successfully passed the examination in engineering fundamentals and has been enrolled as an engineering intern. The certificate of enrollment shall:

- (1) show the full name of the enrollee;
- (2) bear a serial number and date; and
- (3) be signed by the director of the licensing agency.

The issuance of a certificate of enrollment by the board is evidence that the individual named on the certificate is entitled to all the rights and privileges of an engineering intern while the certificate remains unrevoked or until it expires.

SECTION 9. IC 25-31-1-35, AS ADDED BY P.L.194-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) The registered professional engineers and registered engineering interns investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. **The fund consists of money from the fee imposed upon registered professional engineers and registered engineering interns under section 9(b) of this chapter.**

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert

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1 to the state general fund. If the total amount in the fund exceeds five
2 hundred thousand dollars (\$500,000) at the end of a state fiscal year
3 after payment of all claims and expenses, the amount that exceeds five
4 hundred thousand dollars (\$500,000) reverts to the state general fund.

5 (e) Money in the fund is continually appropriated for use by the
6 attorney general and the licensing agency to administer and enforce the
7 provisions of this article and to conduct investigations and take
8 enforcement action against persons violating the provisions of this
9 article.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1220, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 41.

Page 10, delete lines 26 through 42.

Page 11, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1220 as introduced.)

DUNCAN, Chair

Committee Vote: yeas 11, nays 1.

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